

EXHIBIT 10

From: [Minicucci, Lora \(LAW\)](#)
To: [Yetta G. Kurland](#); [David B. Rankin](#); [Tala Alfoqaha](#)
Cc: [Phlion, Rachel S.](#); [Tucker, Jacob P.](#); [Bashinski, Hayden F.](#)
Subject: Local 2507 - ESI counterproposal
Date: Friday, May 30, 2025 2:28:23 PM

This email sent by lminicuc@law.nyc.gov originated from outside the Firm.

Yetta –

Below is an updated ESI proposal reflecting the parties' May 23, 2025 meet and confer and results of searches the City conducted incorporating Plaintiffs' latest proposal. As previously noted, this email does not constitute a waiver of any arguments the City has previously made regarding substantive or temporal scope of ESI searches.

RFP 7

While the City maintains that its previously stated position on RFP 7 is reasonable, it ran an updated search based on Plaintiffs' new request (which did not specify search terms but instead requested that the City search for any MOUs, MOAs, and side letters involving unions representing Fire or EMS and the specific class member or alleged comparator titles in this litigation). With that guidance, the City drafted the following search terms:

(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (DC 37 OR DC37 OR District Council 37)
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (Uniform Firefighters Association OR UFA OR Local 94)
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (Uniformed Fire Officers Association OR UFOA OR Local 854)
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Local 2507
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Local 3621
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (SOA or Superior Officers Association)
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (Supervising Emergency Medical Service Specialist Level I)
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (Supervising Emergency Medical Service Specialist Level II)
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Firefighter
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Lieutenant
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Captain
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Battalion Chief
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Deputy Chief
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Division Chief
(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 Division Commander

(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20
Sergeant

The new terms, along with the City's original proposed terms, resulted in ~37,000 hits (~68,000 with families). The DC 37 search term alone ("(MOU OR MOA OR Memorandum of Understanding OR Memorandum of Agreement OR side letter) W/20 (DC 37 OR DC37 OR District Council 37)") resulted in ~13,000 hits (~25,000 with families). Any attempts by the City to narrow this term were unsuccessful.

Based on the hit report, the City will agree to run its original proposal, as well as the new drafted search terms, except for the DC 37 search term. Given that the City has produced all relevant agreements and is agreeing to review an additional ~11,000 hits (~24,000 with families), we believe this proposal is reasonable.

RFP 8

As the parties discussed, the City identified two new custodians from the Mayor's Office:

1. Dominic Williams (Chief of Staff to the First Deputy Mayor, 2014-2018; Chief Policy Advisory to the Mayor, 2018-2020)
2. Andrea Hagelgans (Director of Agency Communications, 2014-2015; Director of Communications, 2015-2016; Senior Advisor for Strategic Planning to the Mayor, 2016-2018)

We collected their data and ran Plaintiffs proposed term of "legislat*" from January 1, 2015 to present for the new custodians as well as those already identified. As expected, because the term was not limited in any way (for example, by reference to the subject matter of this litigation), this search resulted in an additional ~33,000 hits (~42,000 with families). This proposed search term is not reasonably tailored to the subject matter of RFP 8 and the resulting number of hits is not reasonable or proportionate. Accordingly, the City will agree to run only the terms on which the parties have already compromised and will not add "legislat*".

RFP 24

The City does not agree with Plaintiffs' position that the proposed search terms do not need to include an "EMS" limiter. As previously explained, because OLR conducts collective bargaining negotiations for all bargaining units, it is necessary to limit these search terms by "EMS" in order to target the relevant subject matter of this litigation. To illustrate this point, the proposed terms for the time period of January 1, 2016 to the present resulted in ~21,000 hits (~39,000 with families).

In response to Plaintiffs' request, the City also collected data for the following OMB Commissioners: Dean Fuleihan (2014-2017), Melanie Hartzog (2018-2020); and Jacques Jiha (2020-Present). We checked and the City does not have any mailboxes for Joe Lhota (1995-2001) or Mark Page (2002-2014). The city ran Plaintiffs proposed new terms and the City's previous proposal across the existing custodians and the newly gathered Commissioners and there were ~28,000 hits (~53,000 with families).

In an effort to compromise, the City will agree to run these searches starting on January 1, 2001 (as opposed to January 1, 2016), but will not agree to the following search terms:

3. "pattern bargain": ~19,000 hits (~34,000 with families)
4. "uniform* W/15 pattern": ~7,000 hits (~17,000 with families)

RFPs 38-41

First, as previously stated, the City does not have a mailbox for Tom Von Essen. The FDNY is confirming that there is no other ESI data stored outside of the mail system for Mr. Von Essen and we will update you once we have more information from our client.

RFP 38

The City proposed searching back to 2001 for RFP 38 and Plaintiffs proposed searching back to 2000. As discussed, there are many difficulties trying to locate relevant custodians and records going back 25 years. The City was able to add data for some OMB Commissioners during this time period (Dean Fuleihan, Melanie Hartzog, and Jacques Jiha). As noted above, the City does not maintain mailbox data for the two OMB Commissioners who served from 1995-2014. The City agrees to run the agreed upon search terms with these new custodians, which results in ~5,000 hits (~14,000 with families).

RFPs 39-41

The City ran the agreed upon search terms on Nicholas Scoppetta (FDNY Commissioner, 2002-2009), and there were no additional hits. As previously discussed, the City also attempted to collect from former FDNY Commissioner Von Essen's mailbox but there is no available data. The City agrees to add as custodians the previously mentioned OMB Commissioners and expand the date range for this search to 2001 for purposes of reaching a compromise. These updated searches resulted in ~2,100 hits (~6,000 with families).

Best,

Lora

--

Lora Minicucci

Deputy Chief, Labor and Employment

New York City Law Department

100 Church Street, Room 2-117

New York, New York 10007

(212) 356-2078

Cell: 646-285-3994

lminicuc@law.nyc.gov

Pronouns: she/her/hers